

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
Helena FWP Headquarters – 1420 East 6th Avenue
Helena, MT
JANUARY 17, 2008

Commission Members Present: Steve Doherty, Chairman; Shane Colton, Vice-Chair; Vic Workman; Dan Vermillion; Willie Doll.

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director, and FWP Staff.

Guests: See January 17, 2008 Commission file folder for those who signed in.

A Work Session followed the meeting to update the Commission on the Grizzly Bear delisting process, the Season Extension and Management Hunts, and on Access Montana.

Topics of Discussion:

- 1. Call to Order - Pledge of Allegiance**
- 2. Approval of Commission Meeting Minutes of December 20, 2007**
- 3. Approval of Commission Expenses through December, 2007**
- 4. Recognition Award to Mike Gurnett for 30 years of Service to FWP**
- 5. Budget and Legislative Priorities – Endorsement**
- 6. Sauerkraut-Willow Creeks Conservation Easement – Final**
(Formerly known as the Sunny Slope Grazing Association Habitat Conservation Program Easement)
- 7. Flathead Reservation Fishing Permit Fee Increase - Final**
- 8. Peregrine Falcon Quotas – Tentative**
- 9. Cabela's Presentation**
- 10. Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. Opening - Pledge of Allegiance. Chairman Doherty called the meeting to order at 8:30 a.m. and led the Pledge of Allegiance.

2. Approval of December 20, 2007 Commission Meeting Minutes.

Action: Vermillion moved and Doll seconded the motion to approve the December 20, 2007 meeting minutes. Motion carried

3. Approval of December, 2007 Commission Expenses.

Action: Colton moved and Doll seconded the motion to approve the December expenses as presented. Motion carried.

4. Recognition Award to Mike Gurnett for 30 years of Service to FWP.

Director Hagener expressed appreciation to Mike for his dedication to FWP and commended him on his many accomplishments over the years. The Director read a letter outlining some of the highlight of Mike's career, and noted that Mike had been presented a Big Sky Carvers duck at a previous ceremony.

5. Budget and Legislative Priorities – Endorsement. Sue Daly, FWP Chief of Finance, explained that the Executive Planning Process, coordinated through the Governor's Office, is ready to begin for the 2009 Legislative Session. In the January before a legislative session, the Commission reviews and approves the priorities the Department will use to develop the budget. In June, the Department returns to the Commission for a final review and approval of the budget.

Daly briefed the Commission on the various funding sources available to the Department. In FY08, FWP received one-time-only general fund authority for Access Montana, SWG match, and fish passage projects on the Tongue and Yellowstone Rivers. Other sources are as follows:

Parks State Funds

Bed Tax

Revenue source is 6.50% of the total bed tax. Used for the maintenance of facilities in state parks.

Coal Tax Trust Earnings: Interest Bearing

Revenue source is the interest earned from the Coal Tax Trust Account. Used to support the development, operation, and maintenance of the state park system.

State Parks Earmarked Revenue

Revenue sources are entry fees (nonresidents only) and camping fees collected at State Parks, cabin site rentals, concessionaire payments, and other miscellaneous revenue. The 2003 Session implemented a \$4 license fee on passenger cars and light trucks to support Parks, Fishing Access Sites, and Virginia City/Nevada City.

Motorboat Fuel Tax

Revenue source is 0.9% of the state gasoline dealers' license tax. Used for the creation, improvement, and maintenance of State parks where motorboats are allowed.

General License Funds

General License Account: Interest Bearing

Revenue sources include the sale of fishing and hunting licenses (unless otherwise earmarked), miscellaneous permit sales, MONTANA OUTDOOR subscription sales, FAS camping fees, and other miscellaneous revenue.

Earmarked License Fees for Habitat

Waterfowl Stamp Account: Interest Bearing

Revenue sources are from the sale of stamps and related artwork for waterfowl. Used for the protection, conservation and development of the wetlands in Montana.

Mountain Sheep Licenses: Interest Bearing

Revenue source is the annual auction of one male mountain sheep license. Used for mountain sheep related research, management, and habitat improvement.

Moose Auction Account: Interest Bearing

Revenue source is the annual auction of one moose license. Used for moose related research, management, and habitat improvement.

Upland Game Bird Enhancement: Interest Bearing

Revenue sources are a portion of the nonresident bird license, nonresident big game combination license, resident bird license, and the resident sportsman licenses. Used to preserve and enhance upland game bird habitat and release of birds in the field.

River Restoration Account: Interest Bearing

Revenue sources are \$0.50 from each resident fishing and sportsman license and \$1.00 from each nonresident season fishing license. Used for projects that will improve rivers and their associated lands for the purpose of conserving and enhancing fish and wildlife habitat.

Mountain Goat Auction: Interest Bearing

Revenue source is the annual auction of one mountain goat license. Used for mountain goat related research, management, and habitat improvement.

Mule Deer Auction: Interest Bearing

Revenue source is the annual auction or lottery of one mule deer license. Used for mule deer related research, management, and habitat improvement.

Elk Auction: Interest Bearing

Revenue source is the annual auction or lottery of one elk license. Used for elk related research, management, and habitat improvement.

Earmarked License Fees for Access

Wildlife Habitat Acquisition: Interest Bearing

Revenue sources are a portion of the nonresident big game and deer combination, antelope, moose, goat, sheep, lion, black bear, turkey, and resident sportsman licenses. Used for the acquisition, lease or easement of wildlife habitat. A portion of these funds is earmarked for the Wildlife Habitat Trust Fund and O&M.

Market Based Combo Sales: Interest Bearing

Revenue source is the additional revenue generated from selling nonresident outfitter sponsored big game and deer combo licenses at a market based price. Resident and nonresident hunting access fees are dedicated to this fund. Another source is \$55 of every NR bird license. The funds are used to support the hunting access enhancement and hunter management programs within the block management program.

Fishing Access Site Acquisition: Interest Bearing

Revenue sources are \$1.00 of each resident fishing license, \$1.00 of each nonresident 2-day license, \$3.50 of each nonresident 10-day license, \$0.50 of each resident 2-day fishing license, and \$5.00 of each nonresident season fishing license. Fifty percent of the revenue is used for operation, development and maintenance of sites acquired under this law. The other 50% is for the acquisition of fishing access sites. HB137 from the 2003 Session removed the sunset language.

Earmarked License Fees for Operations and Maintenance

Fishing Access Site Maintenance: Interest Bearing

Revenue sources are \$1.00 of each resident fishing license, \$1.00 of each nonresident 2-day license, \$3.50 of each nonresident 10-day license, \$0.50 of each resident 2-day fishing license, and \$5.00 of each nonresident season fishing license. Fifty percent of the revenue is used for operation, development and maintenance of sites acquired under this law. The other 50% is for the acquisition of fishing access sites.

Wildlife Hab. Trust Interest-O&M: Interest Bearing

Revenue source is the interest earned on deposits in the Wildlife Habitat Trust Account (fund 09006). Beginning March 1, 1991, up to 50% of the money deposited in 09006 may be deposited directly into this account for development and maintenance of real property used for wildlife habitat. Used for the development and maintenance of property managed for wildlife habitat.

Search and Rescue: Interest Bearing (pending approval)

Revenue source is \$0.25 of each resident and nonresident conservation license. This amount is a search and rescue surcharge to be used for search and rescue missions involving persons engaged in hunting, fishing, or trapping. Another source is \$0.50 of each \$15.00 nonresident temporary snowmobile use permit. Money remaining in the special revenue account after all allowable transfers must be transferred to the general license account.

Upland Game Bird Planting: Interest Bearing

Revenue sources are a portion of the nonresident bird license, nonresident big game combination license, resident bird license, and the resident sportsman licenses. Used to preserve and enhance upland game bird habitat and release of birds in the field. There is a limitation of 15% for certain program costs. 15% of funds collected must be set aside for UGB releases, of which 25% must be spent each year.

Warm Water Fish Stamp: Interest Bearing

Revenue source is the \$5 warm water fish stamp and all moneys received in the form of gifts, grants, reimbursements or appropriations from any source intended to be used for the Fort Peck Fish Hatchery. Used for the construction, operation, maintenance, and personnel costs for the Fort Peck Fish Hatchery. Beginning October 1, 2005, 15% of available revenue may be used for the costs incurred on eradication of illegally introduced warm water species from Montana waters.

Other Miscellaneous State Sources

RIT - Bull & Cutthroat Trout Enhancement

HB 647 from the 99 Legislature directed FWP to spend \$500,000 per year from the RIT fund on bull and cutthroat trout enhancement projects. The 2002 Special Session temporarily reduced the funding the \$350,000 per year in FY03, FY04, and FY05. Program sunsets July 1, 2009.

State Special Funds

FY06/07 capital is funds received from the potential sale of the Arlee Fish Hatchery to the Confederated Salish and Kootenai Tribes.

Non-Game Wildlife Account: Interest Bearing

Revenue sources are voluntary contribution of income tax refunds by taxpayers and direct donations. Used to fund non-game management programs.

OHV Decal - Enforcement: Interest Bearing

SB 285 ('05 Session) allocated 0.47% in FY06 and 0.46% in succeeding years of the motor vehicle revenue to FWP. Of this amount, 12.1% in FY06 and 11.1% in succeeding years is for the enforcement of OHV regulations. An additional source is the \$5 nonresident OHV temporary use permit.

Paddlefish Roe Account: Interest Bearing

The Department may enter into an agreement with a nonprofit organization to market donated paddlefish roe. The department receives 30% (SB166 from the 2003 Session reduced percentage from 40%) of the proceeds in excess of the costs of collection, processing and marketing (not administration). Used to benefit the paddlefish fishery. Revenue source sunsets June 30, 2018.

Smith River Corridor Account

Revenue source is \$50 of each outfitter client fee and 5% of all other launch fees. To be used specifically for the enhancement of the Smith River Corridor.

OHV Fuel Tax - Parks

Revenue source is 1/8 of 1% of the state gasoline dealers' license tax. Ninety percent of the revenue must be used to develop and maintain facilities open to the public at no admission cost. Up to 10% of the 90% may be used to repair areas that are damaged by OHVs. Ten percent is to be used to promote OHV safety.

OHV - Dealer Registration Comm Ed: Interest Bearing

Revenue sources are the \$5 OHV dealer renewal of registration fee, and the \$5 registration fee. Used for OHV safety and education.

OHV Decal- Parks: Interest Bearing

SB 285 ('05 Session) allocated 0.47% in FY06 and 0.46% in succeeding years of the motor vehicle revenue to FWP. Of this amount, 18.1% in FY06 and 16.7% in succeeding years is for the implementation of an OHV recreation program. An additional source is the \$5 nonresident OHV temporary use permit.

DSL Rec Use Account

Revenue sources come from the sale of two types of licenses. The wildlife conservation license has a \$2.00 fee added to the license for the purpose of hunting, fishing and trapping on all legally accessible state trust lands. The Department of Natural Resources receives the \$2.00 of which \$1.80 (90%) goes to the trusts and \$.20 goes to the recreational use account. All other uses of trust lands are allowed under a general recreational use license. These licenses are \$5, \$10 or \$25, depending on age and category of purchaser. The Department of Natural Resources receives a \$1.28 for the recreational use account. Both of these revenue sources reimburse the State School Trust Funds fair market value compensation for activities conducted on the state trust land.

Boat Fee in Lieu of Tax

SB 285 ('05 Session) allocated 0.5% in FY06 and 0.16% in succeeding years of the motor vehicle revenue to FWP. These funds are used to improve regional boating facilities under the control of the department.

OHV Fuel Tax - Comm Ed

Revenue source is 1/8 of 1% of the state gasoline dealers' license tax. Ten percent of the revenue is used to promote OHV safety. Ninety percent is used to develop and maintain facilities open to the public at no admission cost.

Snowmobile Fuel Tax - Enforcement

Revenue source is 15/28 of 1% of the state gasoline dealers' license tax. 13% is to be used to promote snowmobile safety and education and 86% is used for the development and maintenance of snowmobile facilities (Parks). 4.33% (1/3 of 13%) of the revenue is used to enforce snowmobile laws and 8.67% (2/3 of 13%) of the revenue is used to promote snowmobile safety and education.

Snowmobile Fuel Tax - Comm Ed

Revenue source is 15/28 of 1% of the state gasoline dealers' license tax. 13% is to be used to promote snowmobile safety and education and 86% is used for the development and maintenance of snowmobile facilities (Parks). 4.33% (1/3 of 13%) of the revenue is used to enforce snowmobile laws and 8.67% (2/3 of 13%) of the revenue is used to promote snowmobile safety and education.

Motorboat Decal - Parks

SB 285 ('05 Session) allocated 0.47% in FY06 and 0.46% in succeeding years of the motor vehicle revenue to FWP. Of this amount, 5.2% in FY06 and 4.8% in succeeding years is for acquisition and maintenance of marine pump-out equipment and other boat facilities.

Snowmobile Decal Parks: Interest Bearing

SB 285 ('05 Session) allocated 0.12% in FY06 and 0.10% in succeeding years of the motor vehicle revenue to FWP. Of this amount, 50% is used for development, maintenance, and operation of snowmobile facilities. Another source is \$12.50 of each \$15.00 nonresident temporary snowmobile use permit.

Snowmobile Fuel Tax - Parks

Revenue source is 15/28 of 1% of the state gasoline dealers' license tax. Eighty six percent of the revenue is used for the development and maintenance of snowmobile facilities and thirteen percent is used to promote snowmobile safety and education and to enforce snowmobile laws.

Real Property Trust Earnings - O&M: Interest Bearing

Revenue source is the interest earned on deposits in the Real Property Trust Account. Used to support the operation, development, and maintenance of the department's real property.

Motorboat Decal - Enforcement

SB 285 ('05 Session) allocated 0.47% in FY06 and 0.46% in succeeding years of the motor vehicle revenue to FWP. Of this amount 20.8% in FY06 and 19.1% in succeeding years is used for the enforcement of motorboat regulation statutes. Another revenue source is the \$1 Hull Identification Number.

Snowmobile Decal - Enforcement: Interest Bearing

SB 285 ('05 Session) allocated 0.12% in FY06 and 0.10% in succeeding years of the motor vehicle revenue to FWP. Of this amount, 50% is used for the enforcement of snowmobile regulation statutes. Another source is \$1.50 of each \$15 nonresident temporary snowmobile use permit.

MDT Highway Fuel Tax

Used in the State Parks Division for maintenance of state park roads and county roads.

Fishing Access Site Vehicle Registration

Revenue source is an optional \$4 registration fee on passenger cars and light trucks of which \$0.25 of each registration is for Fishing Access Site development for non-angling activities. The other \$3.50 is deposited in fund 02411 and \$0.25 transferred to Montana Historical Society for Virginia City/Nevada City.

TLMD Admin

Revenue sources come from mineral royalties, sale of easements. The purpose of the trust land administration is to administer and manage the state trust surface and mineral resources for the benefit of the common schools and other endowed institutions in Montana, under the direction of the Board of Land Commissioners. Appropriations from the account for each fiscal year may not exceed the sum of 1 1/8% of the book value balance in the nine permanent funds and 10% of the revenue deposited in the capitol building land grant trust.

Federal Fish and Wildlife Funds

PR-WB Grants

Funding is from U.S. Fish and Wildlife Service grants. Used to support areas of various fish (WB) and wildlife (PR) management related projects. PR funds are from manufacturers' federal excise tax on sporting arms and ammunition. WB monies are from federal excise taxes on fishing gear.

State Wildlife Grants

Used to account for funds received from the U.S. Fish and Wildlife Service through the State Wildlife Grants (SWG) program. Funds must be used on projects involving species of special concern and their associated habitats.

Federal Parks Funds

State Parks Federal and Private Revenue

Funding is primarily from the Federal Department of Transportation. Used to develop and maintain various recreational trails within the state.

Federal Revenue

Funding is miscellaneous federal funds used to support various fish and wildlife management related activities other than US Fish and Wildlife PR and WB funds.

Land and Water Conservation Fund

Used to account for funds received from the federal government for the Land and Water Conservation Fund program. Includes both the grant program for cities and counties and also the portion spent by DFWP.

Private Funds

08103 Private Non-Budgeted Funds

Revenue sources are private funds received in the form of a donation, grant, or contract.

Parks Enterprise Funds

06068 Parks' Visitor's Centers

Revenue sources are the sale of educational, commemorative, and interpretive merchandise and other related goods and services and from donations.

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Hagener stated that FWP would not seek a raise in license fees until 2013 if approved by the 2011 legislature. Drought, population numbers, fire seasons, the cost of fuel, etc. are factors that may impact revenue projections. Non-resident fees were increased in 2001, and resident fees increased in 2005. The legislature did not approve a large increase at one time.

**Chris Smith, FWP Chief of Staff**, explained that the FWP Regions and Divisions have until mid-March to develop their proposals. Those proposals are prioritized and submitted as formal budget requests to the Governors office. Following Commission approval in June, they go back to the Governor's office for submittal to the legislature.

The Strategic Plan is updated every couple of years to identify the highest level of priorities and any needed changes in each of the four major programs (Fisheries, Wildlife, Parks and Recreation, and Agency Management). Smith briefed the Commission on the proposed priorities.

**Fisheries**

***Program Element: Fisheries Management***

- *Review field sampling strategies and techniques to assure they are providing the information necessary to meet FWP management objectives.*
- *Develop sterile rainbow and walleye for the fish management program and implement their use, if desirable and technically feasible and begin providing sterile trout eggs to private hatcheries.*
- *Complete a statewide fish management plan for sport fish, native fish, warm water fish and species of concern and in need of special management.*
- *Resolve funding shortfall and limits on operations at Fort Peck Hatchery.*
- *Sell the Flathead Lake Salmon Hatchery and use the revenue to develop Rose Creek hatchery.*

***Program Element: Fisheries Habitat Conservation***

- *Broaden the focus of the Habitat Montana program to include aquatic and riparian habitats.*
- *Participate effectively in water allocation decisions, particularly the adjudication process, new water permits and legislative planning.*
- *Develop an aquatic habitat information and education campaign similar to what has been done for native fish.*

*Program Element: Fishing Access*

- Complete the assessment of the FAS program to determine the needs of the program from the perspective of both the agency and the public.
- Increase funding for fishing access site acquisition, operations, maintenance and enforcement.
- Integrate river recreation management with FAS management to avoid duplication of efforts and integrate recreation management direction on water with land base.

*Program Element: Aquatic Education*

- Utilize the community pond program to help communities develop ponds that can be used for educational, as well as recreational, purposes such as Hooked on Fishing.

*Program Element: Law Enforcement*

- Enhance enforcement response, patrol and administrative services to FAS sites to better address fee compliance, river recreation and user conflicts.
- Develop and implement specialized compliance techniques and strategies to deter, detect and investigate illegal introductions of aquatic species into public and private waters.

**Wildlife**

*Program Element: Wildlife Habitat Conservation*

- Identify highest priority habitats and specific parcels for conservation using GIS modeling of vegetation type, biodiversity importance, relative conservation value to specific species, migratory corridors, etc.
- Increase emphasis on maintaining and protecting highest priority habitat at an ecosystem level to comprehensively conserve all of Montana's wildlife.
- Leverage Habitat Montana with other federal and non-government programs to better meet the mission of FWP to manage all wildlife.
- Work with the energy industry at the state and national level for a coordinated approach to development.
- Develop expertise and knowledge about planning and land use, and provide direction and resources to local governments to ensure wildlife needs are addressed in planning and development. Work with counties, municipalities and communities to influence patterns and methods of rural subdivision in a way that minimizes impacts to wildlife communities.

*Program Element: Wildlife Management*

- Refine harvest management programs to strengthen links between population monitoring parameters, population objectives, social expectations, and hunting season recommendations; focus population management prescriptions on the 5-week general gun season and simplify regulations.
- Develop survey and inventory protocols for big game species to maximize sampling efficiency, consistency, and robustness. Enhance population surveys to meet management objectives via efficiency and protocol standards.
- Integrate game and nongame programs to manage more comprehensively; implement the Comprehensive Fish and Wildlife Conservation Strategy (CFWCS) and move forward with the implementation of priority strategies for identified species and their related habitats.
- Identify, prioritize and implement research to address management needs.

*Program Element: Access*

- Maintain or enhance FWP's Access programs to ensure access on private and public lands.

*Program Element: Wildlife Education*

- Develop an educational program to increase awareness of non-hunting, wildlife-related recreational opportunities on land managed by MFWP.
- Develop an outreach program to create a vision of the role people play in restoring and conserving wildlife and their habitats.
- Develop information programs on the most threatened habitats as identified by the CFWCS that will increase public knowledge of the importance of habitat for all wildlife, including species not hunted or fished.

*Program Element: Law Enforcement*

- Increase visibility of enforcement during high use periods.
- Reduce illegal use of OHV's and related user conflicts.

**Parks and Recreation**

*Program Element: State Parks*

- Improve consistency and quality of development and service in state parks through policy, standards, tracking and reporting.
- Improve pace and effectiveness of capital development processes in department to complete projects in same biennium as started/approved.
- Provide new recreational opportunity by implementing the Access Montana program.

- Refine park security efforts to assure that staff are trained and secure in their work environments and to ensure public safety in state parks. Review park ranger program.

Program Element: Land and Water Conservation Fund

- Effectively communicate the value and benefits of the LWCF program to the public, Montana's congressional delegation, and other appropriate groups.

Program Element: Statewide Trails Programs

- Resolve issues such as grooming, Montana Environmental Policy Act, conflicts, impacts to trails.
- Effectively administer, and revise as needed, a broad-based program in the trail grant process.

Program Element: Recreation Education

- Increase OHV user education programs to decrease resource damage, noxious weeds and trail conflicts between OHV operators and other trail users.

Program Element: Water-based Recreation

- Complete planning and establish management systems to further address challenges of safety, resource impacts and visitor management on the Blackfoot, Madison and Smith Rivers.
- Improve permit program on Blackfoot and Smith Rivers in cooperation with Forest Service and BLM.

Program Element: Law Enforcement

- Effectively implement and enforce new non-resident snowmobile registration fees.
- Increase officer presence and involvement at selected parks.
- Develop legislative authority and an enforcement strategy to address Minors in Possession of intoxicating substances (MIP).
- Increase public awareness of TIPMONT as a tool to help reduce vandalism and other violations in state parks.

#### Agency Management

Program Element: Agency Direction

- Increase efficiency and accountability of agency programs.

Program Element: Finances

- Actively encourage and document accountability of MFWP programs with staff and external interested parties.
- Promote dedicated congressional funds for SWG programs.
- Develop marketing efforts that increase the yearly purchase of licenses.

Program Element: Human Resources

- Develop fair and usable competency and results-based pay components within budget constraints under the Broadband Pay Plan utilizing the MFWP performance agreement/review process and ensuring managers receive appropriate training.
- Establish procedures to address pay inequities so that these can be corrected as funding becomes available.

Program Element: Information Services

- Enhance security and continuity of operations across all mission critical areas.
- Develop standard approaches to field data collection analysis, data storage, data dissemination, and reporting.

Program Element: Licensing

- Accelerate the transition from a paper-based licensing and permit system to a fully automated process that provides timely sales, improved accuracy, and increased availability of information for program specialists, enforcement personnel and the public.

Program Element: Physical Property

- Explore options to co-locate Helena staff by expanding the existing headquarters or developing options for new office space.
- Increase energy efficiency of operations.

Program Element: Safety

- Initiate mandatory annual safety training within the field focused programs for all temporary and seasonal employees.

Smith stated that the public has the opportunity to express their opinions on the proposed budget when it is presented to the Commission in June, and when it is taken to the Legislature in 2009.

Colton asked if the Department has any specific plans or positions on the warm water stamp.

Hagener said a working group comprised of representatives from both the warm water and cold water sides of the issue, the citizen's advisory council members, and two senators has been established to discuss the issue and develop a solution. The group came up with two possible alternatives. One is to



raise the price of the warm water stamp from 5 dollars to 8 dollars, and the other is to do away with the warm water stamp and integrate the hatchery into the current system which would increase licenses \$1.50 statewide.

*Action: Colton moved and Doll seconded the motion to approve the legislative priorities as presented. Motion carried.*

**6. Sauerkraut-Willow Creeks Conservation Easement – Final. (Formerly known as the Sunny Slope Grazing Association Habitat Conservation Program Easement).** Chris Hunter, FWP Fisheries Division Administrator, explained that the proposed Sauerkraut-Willow Creeks Conservation Easement is part of the Blackfoot Community Project, a conservation effort to preserve approximately 88,000 acres of private land in the Blackfoot River Basin. This easement is a step toward implementing the Plum Creek Native Fish Habitat Conservation Plan. The easement would encompass approximately 7,869 acres and over one mile of the Blackfoot River.

This conservation easement would be acquired using \$5.4 million provided by the U.S. Fish and Wildlife Service, as a grant under its Endangered Species Act. FWP was the recipient of the grant and, consistent with USFWS procedures, FWP would provide the HCP Grant to Five Valleys Land Trust for native fish conservation through a sub-grantee agreement. FWP will retain third-party enforcement authority for this easement to ensure that the purposes of the HCP Grant are met.

Chairman Doherty asked for public comment.

Dana Post, Blackfoot Chapter of Trout Unlimited, expressed their support on this easement.

Rod Bullis, Lincoln, expressed support for the project and commended the landowners on their good stewardship and neighborliness.

*Action: Vermillion moved and Colton seconded the motion to authorize the expenditure of federal NFHCP grant monies to purchase conservation easements on approximately 7,869 acres of land constituting the Sauerkraut-Willow Creeks Conservation Easement southwest of Lincoln, Montana. Motion carried.*

Hank Goetz, Blackfoot Challenge, thanked the commission for their decision.

**7. Flathead Reservation Fishing Permit Fee Increase - Final.** Chris Hunter, FWP Fisheries Division Administrator, explained that the Flathead Reservation Fish & Wildlife Board Fee recommends a two dollar fee increase for the Flathead Lake Combined Use Fishing Permit, making it \$12 for the 2008-09 regulation year. The State-Tribal Agreement dictates the review of proposed fishing regulations & fees by non-tribal members via the Flathead Reservation Fish & Wildlife Board. The Board annually recommends season types and periodic license fee adjustments for non-tribal members to the CSK Tribal Council and FWP Commission to encourage anglers to harvest lake trout from Flathead Lake. Monies generated from license sales are used for resource management and to enhance recreational opportunities.

*Action: Colton moved and Doll seconded the motion to approve the 2008-09 fee increase for non-tribal members for the Flathead Lake Combined Use Fishing Permit from \$10 to \$12 as recommended by the Flathead Reservation Fish & Wildlife Board. Motion carried.*

**8. Peregrine Falcon Quotas – Tentative.** Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained that Peregrine Falcons were delisted by the USFWS in 1999, and by Montana in 2005. The recovery goal was twenty active nests. The Department was directed by the Commission in October 2006 to proceed with a public scoping process and Environmental Assessment on the taking of nestling peregrine falcons for falconry purposes. A public comment period ensued for thirty days, there were six hearings, and comments were accepted through April, 2007.

FWP recommends the adoption of a rule to authorize limited take of nestling peregrine falcons by licensed Montana falconers as follows: Allowable take of no more than three young peregrines in 2008, which is more restrictive than federal guidelines that would allow the take of up to seven young. Take would be restricted to the June 1 to July 15 period. The limit would be one peregrine for each successful applicant. Take would be prohibited from eastern Montana and take from certain nests would be prohibited due to high value wildlife viewing opportunities and or on-going agency-approved research efforts.

FWP recommends a conservative biological take, and is looking at changing the ARM Rules. The USFWS is in the process of revising falconry regulations.

*Action: Vermillion moved and Colton seconded the motion to approve the Department's recommendation to authorize the limited take of up to three nestling peregrine falcons for falconry purposes in 2008.*

Chairman Doherty asked for public comment.

Ralph Rogers, Winifred, is an active falconer. He appreciates the Department's work and urged the Commission to support the proposal.

Blair Anderson, West Yellowstone, a falconer, urged the Commission to support this proposal.

*Action on Motion: Motion carried.*

**9. Cabela's Presentation.** Director Hagener explained that the Department and Cabelas have exchanged considerable correspondence since April when FWP became concerned over real estate advertisements made by Cabelas Trophy Properties. It was the fear of FWP and Montana sportsmen that new buyers would not understand the importance of access for hunting and fishing, and the impacts to the wildlife resources. In December, Cabelas representatives traveled to Helena to meet with the Montana Wildlife Federation and FWP to discuss the issues. It was a very productive meeting, and as a result, Cabelas has made changes to their marketing strategies.

Director Hagener introduced Mike Callahan, Sr. Vice President of Cabelas, who then introduced David Draper, Joe Arterburn, and Greg Severinson, also of Cabelas. Callahan stated that for the last 47 years Cabelas has been at the forefront of supporting conservation efforts. They have been the leader in sportsmen's advocacy, and they were first to support the CWD research efforts. They have spent millions of dollars on these efforts. Montana is a special place, and they understand how important opportunity and access are. Cabelas has a long history of honesty and integrity. Their purpose for attending this meeting is to demonstrate their desire to maintain access, and to convey their intent to maintain historical use of property, and to not endorse subdividing.

Callahan stated that when they flew to Montana to discuss FWP's concerns about public access, they were provided with a tour of part of Montana. They were impressed with the Block Management Program and feel it should serve as a model for public access programs nationwide. Cabelas will promote it on their website. He added that real estate broker affiliates must use the same verbiage as Cabelas website, and if they do not adhere to policy, they will be removed from the program.

Callahan said as a gesture of good faith and good will, Cabelas wishes to present FWP with a check for \$50,000 today, and \$12,000 per year over the next 5 years for public access programs in Montana. The agency is to use its own discretion as to where the money will be best used.

Colton asked if properties currently enrolled in block management will transfer to the new owners. Callahan said it will, that the new owner must retain enrollment in the program. However, once the contract is up on block management, nobody can force them to re-enroll. That applies to current owners as well. Beyond the length of the existing term, there is no guarantee of the continuation of block management.

Doll expressed concern about misrepresenting property as "world class" when it really might not be.

Callahan said Cabelas relies on the real estate broker's description. If they are not accurate, Cabelas needs to know and they will have a discussion with the broker. They do not want to misrepresent.

Doherty stated that he appreciated them coming to Montana to work with MWF and FWP. Montanans are passionate about the land and wildlife.

Colton questioned if it will be a standard practice for them to list properties on their website as being exclusive sanctuaries.

Callahan replied that the brokers' websites may list them as such, but the Cabela's website does not, and it is not their intent to do so. Cabelas will be looking at those types of ads and see that it is corrected.

Chairman Doherty asked for public comment.

Chris Marchon, MWF, said he is happy that Cabelas has come forward to encourage access programs. The dialogue has been sincere since Callahan took over. Cabelas has been very receptive to Montana's concerns.

George Bettas, Boone & Crockett, said Cabelas is sincere and they have stepped up to help in the past. When looking for a partner to address CWD, Cabelas was there to help.

Alan Charles, FWP Landowner Sportsman Coordinator, said there are valuable opportunities to make contacts with the people buying land in Montana through Cabelas. In many cases people are not interested in block management. If Cabelas is willing to carry Montana's message, maybe some of the other organizations will too.

Rod Bullis said he is concerned about access issues where people have crossed land on trails since before statehood, and suddenly new landowners erect gates and close their land so you cannot get to public land.

Cabelas presented the check to Chairman Doherty, who thanked them for their generosity.

**10. Open Microphone – Public Opportunity to Address Additional FWP Issues.** There was none.

*Action: Colton moved and Vermillion seconded the motion to adjourn the meeting. Motion carried.*

Meeting adjourned at 11:15 a.m.

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**Steve Doherty, Chairman**

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**M. Jeff Hagener, Director**